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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHEN, VIVIAN

ART UNIT PAPER NUMBER

1773

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/512,071

Applicant(s)

OFFERMANN ET AL

Examiner

Vivian Chen

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-2005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 8, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is vague and indefinite because the recitation of a trademark fails to adequately and definitively specify the material used. It should be replaced and/or accompanied by the generic terminology. Applicant is reminded that any amendments must be supported by the specification as originally filed.

Regarding claim 8, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The wording of Claim 11 is unclear and confusing because it is unclear what is meant by the phrase "solely in terms of the colour of the adhesive film".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 8, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over EDWARDS (US 3,630,809).

EDWARDS discloses a composite panel comprising a glass/adhesive/film/adhesive/glass structure, wherein the adhesive is polyvinyl butyral or ethylene vinyl acetate, wherein the film is a PET film coated with an infrared-reflecting dielectric stack; and wherein one of the adhesive layers is colored. (EDWARDS, line 54, col. 4 to line 43, col. 5; line 45, col. 6 to line 15, col. 7)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate colorants in the adhesive and optionally the film layer of EDWARDS in order to obtain specific light filtering and aesthetic effects and/or to correct the coloration of the overall laminate (claims 2, 10-11)

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over EDWARDS (US 3,630,809) as applied to claim 1 above, and further in view of CASS (US 4,591,525).

CASS discloses that it is well known in the art to use polymethyl methacrylate adhesives in light transmitting safety laminates. (line 55-68, col. 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use known optical adhesives such as PMMA depending on the material costs and the type of materials being bonded together.

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6. Claims 1-4, 6-7, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over MORAN ET AL (US 2001/0046595).

MORAN ET AL discloses a composite panel comprising a glass/adhesive/film/adhesive/glass structure, wherein the adhesive is polyvinyl butyral typically of the recited thickness, wherein the film is a PET film coated with a metal oxide reflecting layer; and wherein at least one of the adhesive layers is colored. (paragraphs 20, 24, 26, 28)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate colorants in the adhesive and optionally the film layer of MORAN ET AL in order to obtain specific light filtering and aesthetic effects and/or to correct the coloration of the overall laminate (claims 2, 10-11)

7. Claims 1-2, 5-8, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over VON ALPEN (US 5,496,643), in view of SALYER ET AL (US 3,923,757) and OITA ET AL (US 5,683,805).

VON ALPEN discloses a composite panel comprising a glass/adhesive/glass/adhesive/glass structure, wherein the adhesive is polyvinyl butyral typically of the recited thickness. (line 30-55, col. 3) However, the reference fails to explicitly disclose ethylene vinyl acetate adhesives or colored films.

SALYER ET AL discloses that it is well known in the art to use ethylene vinyl acetate optical-grade adhesives to bond glass sheets together. (columns 2-3)

OITA ET AL disclose that it is well known in the art to incorporate pigments in adhesive layers in optical laminates in order to modify the coloration of composites (entire document).

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate colorants in the adhesive layer of VAN ALPEN in order to obtain specific light-filtering and/or aesthetic effects, and/or to compensate for undesirable coloration of other layers. It would also be obvious use other known optical adhesives such as EVA as the bonding layers depending on the specific mechanical properties desired and materials to be bonded.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chen whose telephone number is (571) 272-1506. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

The General Information telephone number for Technology Center 1700 is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 17, 2005



Vivian Chen
Primary Examiner
Art Unit 1773